City of Lafayette Staff Report

For: City Council

By: Mark Robbins, Code Enforcement Officer

Date Written: July 17, 2009

Meeting Date: July 27, 2009

Subject: Special Assessment/Recovery of Costs - Administrative Citation Issued for Multiple LMC Violations, and costs incurred for property nuisance abatement at 3195 Condit Road (APN 185-103-017); Joel Barcelona, Owner-of-Record, and Countrywide Home Loans, Inc.

Background

In December of 2007, Contra Costa County Building Inspection Department (BID) and City staff began pursuing enforcement activities to abate code violations at 3195 Condit Road. It was determined that the property owner, Joel Barcelona, was in violation of Lafayette Municipal Codes (LMC). Specifically, Title 8, Public Welfare, Morals and Safety, Sec.8-2105(a) General Property Violations; (1) Substandard compliance with housing, health, and/or building codes; (2) Vacant or partially destroyed building or structure that is not secured or is not being actively maintained and monitored; (3) Building exterior, wall, roof, fence, or accessory structure that is deteriorated or in disrepair; (8) Dead, decayed, diseased, or hazardous trees, shrubs, or weeds, or overgrown vegetation that pose a fire or other hazard to the public right-of-way and/or an adjoining property...; (9) Maintenance of property in a condition of deterioration or disrepair, in such a condition to be detrimental to the public health, safety, or general welfare, or in such a manner as to constitute a public nuisance.

Mr. Barcelona was informed of these violations via a Notice to Comply (Attachment 2) on December 13, 2007 and was directed to take corrective actions within thirteen (13) days. Corrective actions were not taken within the specified time frame.

On January 3, 2008, Mr. Barcelona was sent a Notice of Intent to Record a Notice of Pending Nuisance Abatement Proceeding (Notice of Violation) (Attachment 3).

On January 18, 2008 A Notice of Violation (Attachment 4) was recorded against the property.

Pursuant to LMC Title 1 §1-903, on June 5, 2008, BID staff mailed to Countrywide Home Loans, Inc. (identifying Joel Barcelona as the Owner-of Record), a Notice of Intent to Issue Administrative Citation (Attachment 5). Subsequently, on June 19, 2008, BID staff issued Administrative Citation #1026 (Attachment 6) for failure to comply, citing the multiple violations and their corresponding penalties. Fines are assessed per violation, per day and resulted in a fine of $10,000.00. The property owner did not appeal the citation and did not pay the fine

On September 4, 2008, BID staff issued a Notice and Demand for Payment (Attachment 7) for $10,000.00 in delinquent fines. On November 6, 2008, BID staff recorded with the Contra Costa County Recorders Office a Notice of Violation Lien (Attachment 8).

Failure on the part of the property owner(s) to correct the violations as cited in Administrative Citation #1026 resulted in an abatement action by the City. On November 12, 2008, the City was granted an Abatement Warrant by the Superior Court, Contra Costa County,. California. On November 24, 2008, the warrant was served and the nuisance conditions at the property were abated. The costs incurred by the City for the property abatement totaled $4750.00.

On December 4, 2008, BID staff sent a Notice and Order (Demand for Payment) (Attachment 9) to Countrywide Home Loans, Inc. (Joel Barcelona, Owner-of Record) demanding payment of $4750.00 for costs incurred by the City for the property nuisance abatement.

On December 5, 2008, BID staff recorded with the Contra Costa County Recorder's Office a Notice of Violation Lien (Attachment 10) pertaining to the nonpayment of $4750.00 in fees associated with the property nuisance abatement on November 24, 2008.

The purpose of this hearing is to finalize the proceeding by adopting a resolution imposing a special assessment in the amount of $15,000.00 (Attachment 1). Authority to impose a special assessment is contained in LMC Chapter 1-9, Administrative Citations. Section 1-911 states the following:

> 1-911 Recovery of fines and administrative charges.
> (b) Liens--Special Assessments. The amount of any unpaid fines and/or administrative charges may be made a lien or special assessment on the real property on which the violation occurred.
> (4) The lien or special assessment shall attach when the officer records a certificate listing unpaid fines and/or administrative charges with the county recorder's office. The certificate shall specify the amount of the lien or special assessment, the street address, legal description, and assessor's parcel number of the parcel on which the lien or special assessment is imposed, and the name and address of the record owner of the parcel. In the event that the lien or special assessment is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified above shall be recorded by the officer. The lien or special assessment may be foreclosed by an action brought by the city for a money judgment. Until the lien or special

assessment is discharged, released, or satisfied, interest shall apply at the maximum amount allowed by law. (Ord. 560 § 3 (part), 2006)

Recommendation

Conduct public hearing pursuant to Sec. 1-911(3), LMC. Following testimony from the property owner or his representative, the City Council shall consider the matter and may revise, correct, modify or cancel the Finance Department Report. Staff recommends that the Council confirm the Report, approve the special assessment, and direct staff to file the Report with the County Recorder to be placed as a special assessment on the 2009-2010 tax roll.

Attachments

1. City Council Resolution with Finance Department Report.
2. Notice to Comply
3. Notice of Intent to Record a Notice of Pending Nuisance Abatement Proceeding (Notice of Violation)
4. Notice of Violation
5. Notice of Intent to Issue Administrative Citation
6. Administrative Citation #1028
7. Notice and Demand for Payment
8. Notice of Violation Lien
9. Notice and Order (Demand or Payment)
10. Notice of Violation Lien
11. Notice of Public Hearing, dated July 17, 2009

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

In the Matter of:

Confirming the Cost Recovery Report imposed as a special assessment under Chapter 1-9 of the Lafayette Municipal Code on the property located at 3195 Condit Road owned by Joel Barcelona/Countrywide Home Loans, Inc.

Resolution No. 2009-45

RECITALS

A. On December 13, 2007, Contra Costa County Building Inspection Department (BID) staff, on behalf of the City of Lafayette (City), issued to property owner, Joel Barcelona, a Notice to Comply to correct multiple Lafayette Municipal Code (LMC) violations on his property located at 3195 Condit Road, designated as Assessor's Parcel Number 185-103-017.

B. On January 3, 2008, BID staff mailed to the property owner a Notice of Intent to Record a Notice of Pending Nuisance Abatement Proceeding (Notice of Violation) for failure to comply with the directives outlined in the Notice to Comply of December 13, 2007.

C. On January 18, 2008, BID staff recorded with the Contra Costa County Recorder's Office a Notice of Pending Nuisance Abatement Proceeding (Notice of Violation) for the outstanding code violations on site.

D. On June 5, 2008, a Notice of Intent to Issue Administrative Citation was sent to Owner-of Record Joel Barcelona and Countrywide Home Loans, Inc.

E. On June 19, 2008 Administrative Citation #1026 was issued against the property by BID staff citing LMC Title 8, Public Welfare, Morals and Safety, Sec.8-2105(a) General Property Violations; (1) Substandard compliance with housing, health, and/or building codes; (2) Vacant or partially destroyed building or structure that is not secured or is not being actively maintained and monitored; (3) Building exterior, wall, roof, fence, or accessory structure that is deteriorated or in disrepair; (8) Dead, decayed, diseased, or hazardous trees, shrubs, or weeds, or overgrown vegetation that pose a fire or other hazard to the public right-of-way and/or an adjoining property...; (9) Maintenance of property in a condition of deterioration or disrepair, in such a condition to be detrimental to the public health, safety, or general welfare, or in such a manner as to constitute a public nuisance;

F. On September 4, 2008, BID staff sent a Notice and Demand for Payment to Owner-of Record Joel Barcelona and Countrywide Home Loans, Inc., for the outstanding fines totaling $10,000.00, which had not been paid within the thirty day time frame as provided by LMC Chapter 1-9, and in consideration that the period for filing a timely appeal had run.

G. On November 6, 2008, BID staff recorded with the Contra Costa County Recorders Office a Notice of Violation Lien pertaining to the $10,000.00 in delinquent fines associated with Administrative Citation # 1026.

ATTACHMENT 1

H. Failure on the part of the property owner(s) to correct the violations as cited in Administrative Citation #1026 resulted in an abatement action by the City. On November 12, 2008, the City was granted an Abatement Warrant by the Superior Court, Contra Costa County, California.

I. On November 17, 2008, BID staff posted the property with a 24 Hour Notice of Execution of Abatement Warrant.

J. On November 24, 2008, the warrant was served and the nuisance conditions at the property were abated.

K. The costs incurred by the City for the property abatement totaled $4750.00.

L. On December 4, 2008, BID staff sent a Notice and Order (Demand for Payment) to Owner-of Record Joel Barcelona and Countrywide Home Loans, Inc. demanding payment of $4750.00 for costs incurred by the City for the property nuisance abatement.

M. On December 5, 2008, BID staff recorded with the Contra Costa County Recorder's Office a Notice of Violation Lien pertaining to the nonpayment of $4750.00 in fees associated with the property nuisance abatement on November 24, 2008.

N. In accordance with Chapter 1-9 of the LMC, the City of Lafayette may impose a special assessment against the real property on which the nuisance abatement occurred and which the Administrative Citation was issued against.

O. The Finance Department prepared and filed with the City Clerk a Cost Report indicating the amounts due and owing, and the City Clerk thereafter fixed a time, date and place for hearing the report and protests or objections. A copy of the report is attached as Exhibit A. The City Clerk gave notice to Owner-of Record Joel Barcelona and Countrywide Home Loans, Inc. of the public hearing on the Statement of Expenses in the time, form and manner provided by Section 1-911, LMC.

P. The City Council held a hearing on July 27, 2009 to receive and hear protests or objections to the Cost Report by the Finance Department.

Now therefore, the City Council of the City of Lafayette finds, determines and orders as follows:

1. The Finance Department prepared and filed its Costs Report with the City Clerk and the City Clerk thereafter fixed the time, date and place for hearing on the report and notice was served on the property owner in the time, form and manner required by law.

2. The City Council received, heard and considered protests to the report of the Finance Department from the property owner(s), and/or their representative(s), whose real property is subject to the special assessment for the amount of the fines, abatement costs, and cost for placing a levy on the Property Tax Roll.

3. The City Council confirms the amount of $15,000.00 contained in the Statement of Expenses to be imposed on the real property as a special assessment.

4. The assessment shall continue until it is paid. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to levy, collection and enforcement of municipal taxes apply to this special assessment.

This Resolution was passed and adopted at a meeting of the City Council of the City of Lafayette at a meeting held on July 27, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Mayor

ATTEST:

LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

CITY COUNCIL
Don Tatzin, Mayor
Brandt Andersson, Vice Mayor
Mike Anderson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

FINANCE DEPARMENT REPORT

To: Joanne Robbins, City Clerk

Date: July 17, 2009

Re: Statement for Cost Recovery (Cost Report) – Administrative Citation #1026 and Property Abatement for violations at 3195 Condit Road (Barcelona/Countrywide)

On June 19, 2008 Contra Costa County Building Inspection Department (BID) staff, on behalf of the City of Lafayette (City), issued Administrative Citation #1026 to property owner(s), Joel Barcelona/Countrywide Home Loans, Inc. for multiple Lafayette Municipal Code (LMC) violations at his/their property located at 3195 Condit Road. Pursuant to LMC Chapter 1-9 Administrative Citations, Mr. Barcelona/Countrywide Home Loans Inc., were given thirty (30) days to submit payment or appeal the citation. To date, the outstanding fines, totaling $10,000.00, have not been paid, and the period for filing a timely appeal has run.

Failure on the part of the property owners to correct the violations as cited in Administrative Citation #1026 resulted in an abatement action by the City. On November 12, 2008, the City was granted an Abatement Warrant by the Superior Court, Contra Costa County, California. On November 17, 2008, the property was posted with a 24 Hour Notice of Execution of Abatement Warrant. On November 24, 2008, the warrant was served and the nuisance conditions at the property were abated.

The associated costs for the abatement action are as follows: Cost of the abatement, $2850.00. Legal costs, City Attorney, $1600.00 (4 hrs. @$450.00 per hr.). Code Enforcement Officer, $150.00 (On-site inspections and bids - 2 hrs. @$75.00 per hr.). Administrative costs, $150.00 (Planning staff time, copies, filing, and data entry). The costs incurred by the City for this abatement action totals $4750.00.

In addition to the $10,000 fines for citation # 1026, and the $4750.00 costs for the property abatement, a $250.00 charge is being assessed to cover the cost of putting the levy on the 2009-2010 Property Tax Roll. Accordingly, the City is seeking cost recovery by imposing a special assessment against the real property in the amount of $15,000.00.

Prior to imposing a special assessment against the property for nonpayment of fines, costs of abatement, and the associated Tax Roll charge, the City Council must conduct a hearing per LMC Section 1-911. Therefore, would you please fix a time, date and place for a public hearing before the City Council.

Gonzalo Silva, Finance Director

3675 MT. DIABLO BLVD., SUITE 210, LAFAYETTE, CA 94549
TELEPHONE: (925) 284-1968 FAX: (925) 284-3169
http//:www.ci.lafayette.ca.us

Exhibit A

Lamorinda Building
Inspection Office

3685 Mt. Diablo Blvd., Suite 120
Lafayette, California 94549
Phone: (925) 299-0263
FAX (925) 299-0134
www.co.contra-costa.ca.us

Contra
Costa
County

Carlos Baltodano
Director of Building Inspection

Property Posted
12 13 07
GDW

December 13, 2007

Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618 - 2118

RECEIVED
DEC 13 2007
CITY OF LAFAYETTE
PLANNING DEPT.

SITE: 3195 Condit Road, Lafayette, CA 94549
APN: 185-103-017
RF: RF07-00743

NOTICE TO COMPLY

YOU ARE HEREBY NOTIFIED that an official of the Building Inspection Department observed your property at 3195 Condit Road in Lafayette and determined it to be in violation of the City of Lafayette Municipal Code and Contra Costa County Ordinance Codes for the following reasons:

Violation Description and County Ordinance Code Section

Building permit 345872 has expired. Alteration of the residence as approved under the permit has been abandoned. The structure is determined to be substandard. Failure of the roof and damage to the interior of the residence constitutes an insanitary premise. Parcel and structure are not maintained in serviceable, habitable condition, resulting in dead and decaying organic material in the yard, overgrown vegetation, weeds, and deterioration of the interior and exterior of the structure.

Lafayette Municipal Code section 1-501; Contra Costa County provisions adopted. Adoption of the Uniform Housing Code. Contra Costa County Ordinance Section 712-2.202. Health & Safety Code Sections 17920.3 and 117922. Lafayette Municipal Code section 8-2105 (a) General Property Violations. (1) Substandard compliance with housing, health, and/or building codes; (2) Vacant or partially destroyed building or structure that is not secured or is not being actively maintained and monitored; (3) Building exterior, wall, roof, fence, or accessory structure that is deteriorated or in disrepair; (9) Maintenance of property in a condition of deterioration or disrepair, in such a condition to be detrimental to the public health, safety, or general welfare, or in such a manner as to constitute a public nuisance

You must clear the above violations by taking immediate corrective actions.

Corrective Actions

Not later than Wednesday, December 26, 2007, the property owner must contact the Building Inspection Department, Lamorinda Office, and arrange for the following:

1. Obtain a building permit and complete the project. Planning Department approval will be required
2. Repair the fence and secure the pool. Drain, or clean and treat water to prevent breeding of mosquitoes
3. Institute measures to protect the structure and prevent further deterioration
4. Maintain the landscaping, including removal of dead plants, weeds, and trim trees away from public right-of-way.

An investigation has begun and compliance is required to correct the above violations.

A code enforcement fee shall be charged equal to two times the amount of all permit fees.

Zoning violation clearances require a minimum of a $100 fee. A fee of $25 per trip will be charged until compliance is met. The fees are additive to the building permit and zoning fees.

Do not disregard this notice. Compliance is mandatory. Failure to take corrective measures will cause this office to pursue one or more of the following actions:

1. **Record a Notice of Nuisance Abatement Proceeding (Notice of Violation) on the property records at the Office of the County Recorder.**
2. **Refer this case to the City Attorney for legal action**
3. **Issue a Citation – Court appearance, penalties and fines**
4. **Obtain abatement order – All costs plus administrative fees billed to owner**
5. **File an action with the Code Enforcement Hearings Board - Administrative Penalty Procedures – Fines for each noted violation**

Questions should be directed to me at (925) 299-0116, Monday through Thursday, between 8:00 a.m. and 4:30 p.m.

Greg Wixom
Building Inspector I
Lamorinda Office

Lamorinda Building
Inspection Office

3685 Mt. Diablo Blvd., Suite 120
Lafayette, California 94549
Phone: (925) 299-0263
FAX (925) 299-0134
www.co.contra-costa.ca.us

Contra
Costa
County

Carlos Baltodano
Director of Building Inspection

NOTICE OF INTENT TO RECORD A NOTICE OF PENDING NUISANCE ABATEMENT PROCEEDING (NOTICE OF VIOLATION)

Date:	January 3, 2008
Owner:	Joel Barcelona
Owner Address:	3195 Condit Road, Lafayette, CA 94549
Address of Property:	3195 Condit Road, Lafayette, CA 94549
APN:	185-103-017
Ref:	RF07-00743

NOTICE IS HEREBY GIVEN that the City of Lafayette and the Contra Costa County Building Inspection Department intends to record the attached **Notice of Pending Nuisance Abatement Proceeding** (Notice of Violation) against the above referenced property. The attached notice will be recorded at the Contra Costa County Recorder's Office no sooner than January 16, 2008. The unlawful conditions existing at the property are described in the attached **Notice to Comply**, date December 13, 2007. A copy of the recorded **Notice of Pending Nuisance Abatement Proceeding** will be served on the property owner-of-record following recordation of the document.

If you have any questions regarding this matter, or if you have evidence that the unlawful conditions no longer exist, you may contact the county officer issuing this notice at the address or telephone number listed below.

Carlos Baltodano, Building Official
Contra Costa County Building Inspection Department
651 Pine St., 4th Floor
Martinez, CA 94553
(925) 335-1111

By:_____
Greg Wixom
Building Inspector I

ATTACHMENT 3

Recording Requested by:
Contra Costa County Building Inspection Dept.
651 Pine Street, 4th floor
Martinez, CA 94553

After Recording Return to:
Contra Costa County Building Inspection Dept.
651 Pine Street, 4th floor
Martinez, CA 94553

NOTICE OF PENDING NUISANCE ABATEMENT PROCEEDING
(NOTICE OF VIOLATION)

Date:	January 3, 2008	
Address of Parcel:	3195 Condit Road, Lafayette, CA	
Owner:	Joel Barcelona	
APN:	185-103-017	Ref: RF07-00743

NOTICE IS HEREBY GIVEN that a nuisance abatement proceeding has commenced against the property located at 3195 Condit Road, Lafayette, CA. The property was inspected by the Contra Costa County Building Inspection Department. The following conditions were observed: Building permit 345872 has expired. Alteration of residence under permit is abandoned. Parcel and structure are not maintained in serviceable, habitable condition. Structure has not been secured. Structure is substandard and, therefore, unsafe. *

Lafayette Municipal Code section 8-2105 (a) General Property Violations. (1) Substandard compliance with housing, health, and/or building codes; (2) Vacant or partially destroyed building or structure that is not secured or is not being actively maintained and monitored; (3) Building exterior, wall, roof, fence, or accessory structure that is deteriorated or in disrepair; (9) Maintenance of property in a condition of deterioration or disrepair, in such a condition to be detrimental to the public health, safety, or general welfare, or in such a manner as to constitute a public nuisance. Adoption of 2007 California Building Code. Contra Costa County Ordinance section 74-2.002. Appendix Chapter 1, section 115; Unsafe Structures and Equipment. *

The conditions constitute a public nuisance in violation of the Lafayette Municipal Code and Contra Costa County Ordinance Code. When this nuisance abatement proceeding has been completed, a *Notice of Final Disposition* will be served on the property owner-of-record. The *Notice of Final Disposition* may be recorded by any party that was served with the *Notice of Pending Nuisance Abatement Proceeding*.

Carlos Baltodano, Building Official
Contra Costa County Building Inspection Department
651 Pine St., 4th Floor
Martinez, CA 94553 (925) 335-1111

By:_____
Greg Wixom, Building Inspector I

* Language in this document and reference to 2007 California Building Code amends all previous documents and notices.

6147042 LOAN #

Recording Requested by:
Contra Costa County Building Inspection Dept.
651 Pine Street, 4th floor
Martinez, CA 94553

After Recording Return to:
Contra Costa County Building Inspection Dept.
651 Pine Street, 4th floor
Martinez, CA 94553

CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2008-0011360-00
Friday, JAN 18, 2008 10:44:37
FRE $0.00
Ttl Pd $0.00 Nbr-0003972331
lrc/R9/1-1

NOTICE OF PENDING NUISANCE ABATEMENT PROCEEDING (NOTICE OF VIOLATION)

Date:	January 16, 2008	
Address of Parcel:	3195 Condit Road, Lafayette, CA	
Owner:	Joel Barcelona	
APN:	185-103-017	Ref: RF07-00743

NOTICE IS HEREBY GIVEN that a nuisance abatement proceeding has commenced against the property located at 3195 Condit Road, Lafayette, CA. The property was inspected by the Contra Costa County Building Inspection Department. The following conditions were observed: Building permit 345872 has expired. Alteration of residence under permit is abandoned. Parcel and structure are not maintained in serviceable, habitable condition. Structure has not been secured. Structure is substandard and, therefore, unsafe. *

Lafayette Municipal Code section 8-2105 (a) General Property Violations. (1) Substandard compliance with housing, health, and/or building codes; (2) Vacant or partially destroyed building or structure that is not secured or is not being actively maintained and monitored; (3) Building exterior, wall, roof, fence, or accessory structure that is deteriorated or in disrepair; (9) Maintenance of property in a condition of deterioration or disrepair, in such a condition to be detrimental to the public health, safety, or general welfare, or in such a manner as to constitute a public nuisance. Adoption of 2007 California Building Code. Contra Costa County Ordinance section 72-6.202. Appendix Chapter 1, section 115; Unsafe Structures and Equipment. *

The conditions constitute a public nuisance in violation of the Lafayette Municipal Code and Contra Costa County Ordinance Code. When this nuisance abatement proceeding has been completed, a *Notice of Final Disposition* will be served on the property owner-of-record. The *Notice of Final Disposition* may be recorded by any party that was served with the *Notice of Pending Nuisance Abatement Proceeding*.

Carlos Baltodano, Building Official
Contra Costa County Building Inspection Department
651 Pine St., 4th Floor
Martinez, CA 94553 (925) 335-1111

By: _____
Greg Wixom, Building Inspector I

* Language in this document and reference to 2007 California Building Code amends all previous documents and notices.

ATTACHMENT 4

Lamorinda Building
Inspection Office

3685 Mt. Diablo Blvd., Suite 120
Lafayette, California 94549
Phone: (925) 299-0263
FAX (925) 299-0134
www.co.contra-costa.ca.us

Contra
Costa
County

Carlos Baltodano
Director of Building Inspection

June 5, 2008

NOTICE OF INTENT TO ISSUE ADMINISTRATIVE CITIATION

(Lafayette Municipal Code, Title 1, section 1-903)

Countrywide Home Loans, Inc.
MS SV-79 Document Processing
P.O. Box 10423
Van Nuys, CA 91410-0423

RE: Instrument Number 2004-304358
Loan Number 061497092

Property Address: 3195 Condit Road
Lafayette, CA 94549
APN: 185-103-017

Owner-of-Record: Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618-2118

REF: RE07-00743

Our records indicate that you are the owner or responsible authority for the property located at 3195 Condit Road in Lafayette, CA.

An inspection of that property occurred on Thursday, June 5, 2008. The following violations of the Lafayette Municipal Code, Title 8, *Public Welfare, Morals, and Safety*, section 8-2105, *Property Violations,* were observed:

(a) General Property Violations:
(1) Substandard compliance with housing, health, and/or building codes
(2) Vacant or partially destroyed building or structure that is not secured or is not being actively maintained or monitored
(3) Building exterior, wall, roof, fence, or accessory structure that is deteriorated or in disrepair
(9) Maintenance of property in a condition of deterioration or disrepair, in such a condition to be detrimental to the public health, safety, or general welfare, or in such a manner as to constitute a public nuisance

(b) Residential Property Violations:
(4) Unmaintained landscaping which is visible from public view or an adjacent property

The City of Lafayette hereby demands that actions be taken to correct the violations not later than 3:00 p.m. on Wednesday, June 18, 2008.

If the violations have not been corrected by that date, the city shall, pursuant to Lafayette Municipal Code section 1-903, issue an administrative citation to the owner-of-record, enjoining each person, persons, corporations, companies, or entities having responsibility, control, or authority over said property.

The administrative citation carries a fine of $100 for the first day the violation is permitted to continue without correction, $200 for the second day, and $500 for each subsequent day thereafter. Failure to comply with this directive could, therefore, result in a fine of $10,000.

Additionally, the City of Lafayette has directed the Code Enforcement Officer, Building Inspection Department, to initiate an abatement action on this property. Any and all costs and fees associated with executing the abatement order, including administrative, staff, construction, materials, demolition, waste disposal, or permits, incurred by the city shall be charged against the property and recovered by invoice and demand, or pursuant to Lafayette Municipal Code section 1-911, *Recovery of fines and administrative charges.*

All questions regarding this notice should be directed to the undersigned at the Lamorinda Building Inspection Department, (925) 299-0116, Monday through Thursday, between the hours of 8:30 a.m. and 4:30 p.m.

Greg Wixom
Building Inspector I
Code Enforcement Officer

LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

CITY OF LAFAYETTE
ADMINISTRATIVE CITATION

CITATION NO: 1026 **DATE OF ISSUE:** 06/9/2008

☒ 1st Fine $100 ☒ 2nd Fine $200 ☒ 3rd Fine $500

Fines Are Assessed Per Violation, Per Day

*See Below

LAST	FIRST	MIDDLE	RELATION TO PROPERTY
BARCELONA,	JOEL		☑ Owner ☐ Tenant ☐ Manager ☐ Agent * ☑ Other LENDER
MAILING ADDRESS			BUSINESS NAME
5631 BUENA VISTA AV. OAKLAND CA 94618			
VIOLATION ADDRESS		APN	PHONE NUMBER
3195 CONDIT RD LAFAYETTE CA 94549		185-103-017	

BUILDING / MUNICIPAL CODE SECTION	VIOLATION DESCRIPTION
TITLE 8 PUBLIC WELFARE MORALS & SAFETY SECTION 8 2105 PROPERTY VIOLATIONS	(2) Code Property Violation (1) Substandard Compliance With Housing Health and/or Building Codes (2) Vacant Property (3) Building Exterior Deteriorated (9) Maintenance — Failure To Maintain

☒ **Planning Services Division**
3675 Mt Diablo Boulevard
Suite # 210
Lafayette, CA 94549
(925) 299-3207

☒ **Lamorinda Building Inspection**
3685 Mt Diablo Boulevard
Suite # 120
Lafayette, CA 94549
(925) 299-0116

(6) Failure To Maintain/ Landscaping

AN OFFICIAL REPRESENTING THE CITY OF LAFAYETTE HAS OBSERVED MUNICIPAL CODE AND/OR BUILDING CODE VIOLATION(S) OCCURRING, OR THAT HAVE OCCURRED, ON THE PROPERTY IDENTIFIED ABOVE. FAILURE TO CORRECT THE VIOLATION(S) HAVE RESULTED IN THE ISSUANCE OF THIS CITATION (LMC CHAPTERS 1-9) AND THE ASSESSMENT OF ADMINISTRATIVE PENALTIES (LMC 1-302 AND 1-308). THE PROPERTY OWNER IS HEREBY NOTICED TO IMMEDIATELY CORRECT THE VIOLATION(S) CITED, AND PROHIBITED FROM ALLOWING THE CONTINUATION OR REPETITION OF THE VIOLATION(S).

SIGNATURE OF ISSUING OFFICIAL	PRINT NAME	DATE
	GREG WIXOM Building Inspector	06/9/08

See reverse side for payment instructions and important information.

* LENDER: COUNTRY WIDE HOME LOANS, INC.
MS SV-79 DOCUMENT PROCESSING
PO BOX 10423 VAN NUYS CA 91410-0423

WHITE: SITE / RECIPIENT PINK: FINANCE GREEN: FILE YELLOW: MAIL

Reorder From NEBS CUSTOM printing service 1-800-SBS-6327 NEBS Inc. Groton, MA 01471 www.nebs.com

ATTACHMENT 6

Lamorinda Building
Inspection Office

3685 Mt. Diablo Blvd., Suite 120
Lafayette, California 94549
Phone: (925) 299-0263
FAX (925) 299-0134
www.co.contra-costa.ca.us

Contra
Costa
County

Carlos Baltodano
Director of Building Inspection

September 4, 2008

Countrywide Home Loans, Inc.
MS SV-79 Document Processing
P.O. Box 10423
Van Nuys, CA 91410-0423

RE: Instrument Number 2004-304358
Loan Number 061497092

Property Address: 3195 Condit Road
Lafayette, CA 94549
APN: 185-103-017

Owner-of-Record: Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618-2118

NOTICE AND DEMAND FOR PAYMENT

On June 5, 2008, the City of Lafayette gave notice to Countrywide Home Loans and Joel Barcelona that conditions of the property and structure at 3195 Condit Road in the City of Lafayette violated one or more sections of the Lafayette Municipal Code. Several letters were sent to Countrywide and Joel Barcelona advising that administrative penalties would accrue if actions to correct the violations did not occur without delay. Failure to comply with written notices and directives from the City Of Lafayette has caused issuance of citation number 1026 on June 19, 2008, to property owner-of-record Joel Barcelona and Countrywide Home Loans, Inc.

The period for filing a timely appeal having run, the City of Lafayette now makes demand for payment in the amount of $10,000 (ten thousand dollars).

Payment must be sent to City of Lafayette, 3675 Mt. Diablo Boulevard, Suite 210, Lafayette, California, 94549. The citation number and subject property address should be referenced on checks or money orders. Payment can be made in person. Personal checks, cashiers checks, and credit cards are accepted. Office hours are Monday through Friday, 12:00 p.m. to 5:00 p.m. Failure to pay the fine will result in late fees of 10%.

If additional information is required, please contact the undersigned, Monday through Thursday, at (925) 299-0116. I'm in the office between the hours of 8:30 a.m. and 4:30 p.m.

Greg Wixom
Building Inspector
Lamorinda Office

ATTACHMENT 7

RECORDING REQUESTED BY:
Building Inspection Department
651 Pine Street, 4th floor
Martinez CA 94553

RETURN TO:
Building Inspection Department
651 Pine Street 4th floor
Martinez CA 94553

FOR BENEFIT OF THE CITY OF LAFAYETTE

CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2008-0244745-00
Thursday, NOV 06, 2008 15:43:48
FRE $0.00
Ttl Pd $0.00 Nbr-0004251664
rrc/R9/1-1

NOTICE OF VIOLATION
LIEN

DATE: November 5, 2008

ADDRESS OF PROPERTY: 3195 Condit Road, Lafayette, CA

OWNER: Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618

And/Or: CountryWide Home Loans, Inc.
MS SV-79 Document Processing
P.O. Box 10423
Van Nuys, CA 91410
Deeds of Trust # 2004-304358
2004-304359

APN: 185-103-017

REF: RF07-00743

The property at 3195 Condit Road in Lafayette was inspected by the Contra Costa County Building Inspection Department. Actions on behalf of the city resulted in the filing of a *Notice of Pending Nuisance Abatement Proceeding* (Notice of Violation) under Doc-2008-0011360-00 on January 18, 2008. Continued failure to correct property violations resulted in the issuance of citation number 1026 on June 19, 2008, pursuant to Lafayette Municipal Code, Chapter 1-9, and Lafayette Municipal Code section 1-302 and 1-308. The penalties under citation 1026 have accrued and the City of Lafayette now makes claim and demands payment in the amount of $10,000. The legal description of the property is: **All of lot 17, as said lot is shown on that certain Map entitled Tract 2072, filed October 8, 1954 in Map Book 56 at page 1 and a portion of that certain parcel of land described in State Deed No. AF 19586 (19588) to the State of California, recorded October 24, 1958 in Book 3252 of Official Records, at page 179, in Contra Costa County Records.**

When the above violations have been properly removed or permitted with inspection approvals by this department, AND, the City of Lafayette has been paid in full, a Notice of Violation Cleared (lien release) form may be issued for recording. Inquiries may be sent to the Building Inspection Department or phone (925) 335-1111 for further information.

Thom Huggett, Building Official
Contra Costa County Building Inspection Department
By _____
Greg Wixom, Building Inspector I

ATTACHMENT 8

Lamorinda Building
Inspection Office

3685 Mt. Diablo Blvd., Suite 120
Lafayette, California 94549
Phone: (925) 299-0263
FAX (925) 299-0134
www.co.contra-costa.ca.us

Contra
Costa
County

Carlos Baltodano
Director of Building Inspection

On Behalf of the

December 4, 2008 **CITY OF LAFAYETTE**

NOTICE AND ORDER
Demand for Payment

Countrywide Home Loans, Inc.
MS SV-79 Document Processing
P.O. Box 10423
Van Nuys, CA 91410-0423

Owner-of-Record: Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618-2118

RE: Instrument Number 2004-304358
Loan Number 061497092
APN: 185-103-017

Property Address: 3195 Condit Road
Lafayette, CA 94549

On Wednesday, November 12, 2008, the City of Lafayette was granted an Abatement Warrant by the Superior Court, Contra Costa County, California. On Monday, November 17, 2008, the property was posted with a 24 Hour Notice of Execution of Abatement Warrant. On Monday, November 24, 2008, the warrant was served and the nuisance conditions at the property were abated.

Countrywide Home Loans, Inc. and/or Joel Barcelona and/or any and all other owners of said property and structure located at 3195 Condit Road in the City of Lafayette are now liable for the costs of the abatement and the associated costs thereto. **The City of Lafayette now makes demand for payment in the amount of $4750.00 (four thousand seven hundred fifty dollars).**

Payment must be sent to City of Lafayette, 3675 Mt. Diablo Boulevard, Suite 210, Lafayette, California, 94549. The subject property address should be referenced on checks or money orders. Payment can be made in person. Personal checks, cashiers checks, and credit cards are accepted. Office hours are Monday through Friday, 12:00 p.m. to 5:00 p.m. Failure to pay the fine will result in late fees of 10%, and the city will attach this debt as a special assessment on the parcel taxes.

Greg Wixom
Building Inspector
Code Enforcement Officer

ATTACHMENT 9

RECORDING REQUESTED BY:
Building Inspection Department
651 Pine Street, 4th floor
Martinez CA 94553

RETURN TO:
Building Inspection Department
651 Pine Street 4th floor
Martinez CA 94553

FOR BENEFIT OF THE CITY OF LAFAYETTE

CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2008-0262854-00
Friday, DEC 05, 2008 14:44:33
FRE $0.00
Ttl Pd $0.00 Nbr-0004273091
rrc/R9/1-1

NOTICE OF VIOLATION

LIEN

December 5, 2008

ADDRESS OF PROPERTY: 3195 Condit Road, Lafayette, CA

OWNER: Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618

And/Or: CountryWide Home Loans, Inc.
MS SV-79 Document Processing
P.O. Box 10423
Van Nuys, CA 91410
Deeds of Trust # 2004-304358 and # 2004-304359

REF: RF07-00743

APN: 185-103-017

Nuisance conditions existed on residential property at 3195 Condit Road in Lafayette. Lawful orders and notices were directed to the property owner requiring actions to correct or eliminate safety, health, and other violations affecting the general welfare of the community. Nuisance conditions which existed at the property were abated by the City of Lafayette in response to Abatement Warrant #W08-080, issued by the Superior Court, County of Contra Costa, California, on Wednesday, November 12, 2008. The warrant was served at the residence and the nuisance conditions abated. The City of Lafayette now makes claim and demands payment in the amount of $4750.00 for costs of, and associated with, this abatement (reference Lafayette Municipal Code section 8-2116: Recovery of Administrative Charges and Abatement Costs, subsection (b): Liens – Special Assessments).

The legal description of the property is: **All of lot 17, as said lot is shown on that certain Map entitled Tract 2072, filed October 8, 1954 in Map Book 56 at page 1 and a portion of that certain parcel of land described in State Deed No. AF 19586 (19588) to the State of California, recorded October 24, 1958 in Book 3252 of Official Records, at page 179, in Contra Costa County Records.**

When the above violations have been properly removed or permitted with inspection approvals by this department, AND, the City of Lafayette has been paid in full, a Notice of Violation Cleared (lien release) form may be issued for recording. Inquiries may be sent to the Building Inspection Department or phone (925) 335-1111 for further information.

Thom Huggett, Building Official
Contra Costa County Building Inspection Department
By _____
Greg Wixom, Building Inspector

ATTACHMENT 10

LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

CITY COUNCIL
Don Tatzin, Mayor
Brandt Andersson, Vice Mayor
Mike Anderson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

July 17, 2009

Joel Barcelona
5631 Buena Vista Avenue
Oakland, CA 94618-2118

RE: Public Hearing on Resolution to Impose Special Assessment
3195 Condit Road (APN 185-103-017)

Notice is hereby given that the City Council will hold a public hearing at the time, date and place as follows:

Date: Monday, July 27, 2009
Time: 7:00 p.m.
Place: Council Chambers
Manzanita Room, Lafayette Community Center
500 St. Mary's Road, Lafayette, California

The purpose of the hearing is for the City Council to receive a Finance Department Report, Statement for Cost Recovery (Statement), a copy of which is attached, related to the failure to pay fines associated with Administrative Citation # 1026, costs incurred by the City for property abatement, and to hear and receive protests or objections to the Statement.

You are advised that the property which is the subject of the Statement is located at 3195 Condit Road and designated as Assessor's Parcel Number 185-103-017. You may file written correspondence with the City Clerk and you may appear and present any oral testimony at the public hearing regarding the Statement.

At the conclusion of the hearing, the City Council may revise, correct, modify or cancel the Statement and, excepting a cancellation of the Statement, will confirm the Statement by resolution. If the City Council confirms the Statement, the costs will become a lien and a special assessment against the real property.

Mark Robbins, Code Enforcement Officer
For: Joanne Robbins, City Clerk

3675 MT. DIABLO BLVD., SUITE 210, LAFAYETTE, CA 94549
TELEPHONE: (925) 284-1968 FAX: (925) 284-3169
http//:www.ci.lafayette.ca.us

LAFAYETTE
SETTLED 1848 == INCORPORATED 1968

CITY COUNCIL

Don Tatzin, Mayor
Brandt Andersson, Vice Mayor
Mike Anderson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

July 17, 2009

Countrywide Home Loans, Inc.
MS SV-79 Document Processing
P.O. Box 10423
Van Nuys, CA 91410-0423

RE: Public Hearing on Resolution to Impose Special Assessment
3195 Condit Road (APN 185-103-017). Instrument # 2004-304358
Loan # 061497092

Notice is hereby given that the City Council will hold a public hearing at the time, date and place as follows:

Date: Monday, July 27, 2009
Time: 7:00 p.m.
Place: Council Chambers
Manzanita Room, Lafayette Community Center
500 St. Mary's Road, Lafayette, California

The purpose of the hearing is for the City Council to receive a Finance Department Report, Statement for Cost Recovery (Statement), a copy of which is attached, related to the failure to pay fines associated with Administrative Citation # 1026, costs incurred by the City for property abatement, and to hear and receive protests or objections to the Statement.

You are advised that the property which is the subject of the Statement is located at 3195 Condit Road and designated as Assessor's Parcel Number 185-103-017. You may file written correspondence with the City Clerk and you may appear and present any oral testimony at the public hearing regarding the Statement.

At the conclusion of the hearing, the City Council may revise, correct, modify or cancel the Statement and, excepting a cancellation of the Statement, will confirm the Statement by resolution. If the City Council confirms the Statement, the costs will become a lien and a special assessment against the real property.

Mark Robbins, Code Enforcement Officer
For: Joanne Robbins, City Clerk

3675 MT. DIABLO BLVD., SUITE 210, LAFAYETTE, CA 94549
TELEPHONE: (925) 284-1968 FAX: (925) 284-3169
http//:www.ci.lafayette.ca.us